

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.2357 of 2016
Arising out of
Civil Miscellaneous Jurisdiction No. 1243 of 2016**

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Smt. Pushpa Devi, wife of Shri Om Prakash, resident of Village- Mahmadpur, Police Station- Bikram, District- Patna at present residing at Beni Bigha, Police Station- Bikram, District- Patna.

.... Appellant

Versus

1. The Estate of Late Deep Narayan Singh, resident of Village- Mahamadpur, Police Station- Bikram, District- Patna.
2. Hirshikesh Kumar, Son of Birendra Sharma
3. Mithilesh Sharma, Son of Ram Nandan Singh, both residents of Village- Mahamadpur, Police Station- Bikram, District- Patna.

.... Respondent/s

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Appearance:

For the Appellant/s : Mr. Parashuram Singh, Advocate.
For the Respondent/s : Mr.

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**CORAM: HONOURABLE THE ACTING CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE SUDHIR SINGH**
ORAL JUDGMENT
(Per: HONOURABLE THE ACTING CHIEF JUSTICE)
Date: 03-03-2017

The challenge in the present Letters Patent Appeal is to an order dated 25.11.2016 passed by the learned Single Bench in the proceedings arising out of probate case. Learned Single Bench has dismissed the application directed against an order passed by the learned Additional District Judge, Danapur allowing the application under Order 1, Rule 10(2) of the Code of Civil Procedure.

The order passed by the Learned Single Judge is in exercise of jurisdiction conferred under Article 227 of Constitution of India and, thus, no intra court appeal is maintainable in view of the



Supreme Court Judgment reported as Jogendrasinhji Vijaysinghji v. State of Gujarat, (2015) 9 SCC 1).

In view thereof, we do not find that the present Letters Patent Appeal is maintainable. The same is dismissed. The appellant may take recourse to such other remedy as may be available to him in accordance with law.

(Hemant Gupta, ACJ)

(Sudhir Singh, J)

Mishra

AFR/NAFR	N.A.F.R.
CAV DATE	N.A.
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